



DT16 Rec'd PCT/PTO 0.9 MAY 2003

Attorney's Docket No. 9310.37

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Yap et al.  
Serial No.: 09/868,553  
PCT Filed: January 20, 1999  
For: HEPATITIS Y VIRUS

Group Art: 1646

RECEIVED

MAY 12 2003

OFFICE OF PETITIONS

Date: May 7, 2003

MS Application Number  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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MAY 19 2003

Petition for Earlier Date of Acceptance  
under 37 C.F.R. § 1.182 or 1.183

TECH CENTER 1600/2900

Sir:

Applicants are filing this Petition to request that the date of acceptance of the above-referenced application as well as the "Date of Receipt of 35 U.S.C. § 371 (c)(1), (c)(2) and (c)(4) Requirements" and "Date of Receipt of All 35 U.S.C. Requirements" be reconsidered for the above-referenced application.


This U.S. national phase application was filed under § 371 on June 18, 2001 without the Declaration or Sequence Listing. These items were timely submitted on November 7, 2001 in accordance with the procedures set forth under 37 C.F.R. § 1.8. A copy of the transmittal letter accompanying this submission is enclosed. As indicated on the returned date-stamped postcard (copy enclosed), the Filing Receipt (copy enclosed), and the Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (copy enclosed), this submission was not received by the USPTO until January 18, 2002.

This delay in receipt is due to extraordinary circumstances surrounding the mail facility that served the USPTO at this time, which circumstances were completely unforeseeable and beyond the Applicants' control. Applicants submit that under these extraordinary circumstances, in the interest of justice, the filing date of the additional requirements under 35 U.S.C. § 371 (i.e., the Declaration and Sequence Listing) should be the date that the submission was mailed in accordance with 37 C.F.R. § 1.8 (November 7, 2001) rather than the date of receipt by the Office.

In re: Yap et al.  
Serial No.: 09/868,553  
PCT Filed: January 20, 1999  
For: HEPATITIS Y VIRUS  
Page 2 of 2

Enclosed with this Petition is a check in the amount of \$130 to cover the required fee under 37 C.F.R. § 1.17 (h). The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

  
Karen A. Magri  
Registration No. 41,965

**Enclosures:**

Copy of Transmittal of November 7, 2001  
Copy of date-stamped postcard  
Copy of Filing Receipt  
Copy of Notice of Acceptance

**Customer Number:**




**20792**

PATENT TRADEMARK OFFICE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Application Number, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2003.

  
Sloan Hobbs



KAM/mjs  
BOX PCT, DO/EO  
Commissioner for Patents  
Washington, DC 20231

November 7, 2001

9250-37

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

- 1) Transmittal Letter
- 2) Declaration
- 3) Statement in Support of Sequence Listing
- 4) Paper copy of Sequence Listing
- 5) Computer Readable copy of Sequence Listing on diskette
- 6) Copies of Notifications (2) regarding missing requirements
- 7) Check in the amount of \$170.00

**JC03 Rec'd PCT/PTO 18 JAN 2002**

In re: Application of Yap et al.; Entitled: Hepatitis Y Virus;  
Serial No.: 09/868,553; Filing Date: June 18, 2001

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

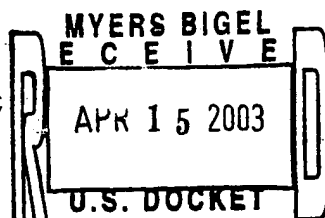
KAM



04-14-03 A09:43 IN

 Commissioner for Patents  
 Washington, DC 20231  
 www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/868,553         | 01/18/2002  | 1646         | 1500          | 9250-37         | 6        | 14         | 6          |

 20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627


9310.37

CONFIRMATION NO. 1503

## FILING RECEIPT



\*OC000000009778834\*

Date Mailed: 04/07/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

 Sing Hiem Yap, Nieuwrode, BELGIUM;  
 Chris Julien Cornelius Verslype, Kessel-Lo, BELGIUM;  
 Pieter Jacob Boender, Nijmegen, NETHERLANDS;  
 Jan Albert Hellings, At Boxtel, NETHERLANDS;

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP99/10179 12/16/1999

## Foreign Applications

 EUROPEAN PATENT OFFICE (EPO) 98204313.5 12/18/1998  
 EUROPEAN PATENT OFFICE (EPO) 99200167.7 01/20/1999

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

## Title

Hepatitis y virus

Preliminary Class  
435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

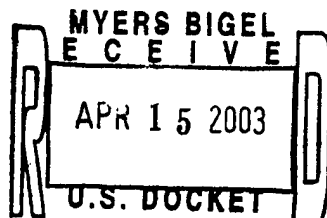


## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/868,553                  | Sing Hiem Yap         | 9250-37          |

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/EP99/10179                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 12/16/1999                    | 12/18/1998    |

CONFIRMATION NO. 1503  
 371 ACCEPTANCE LETTER



Date Mailed: 04/07/2003

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

|   |  |
|---|--|
| <u>01/18/2002</u>   | <u>01/18/2002</u>                                    |
| DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and<br>(c)(4) REQUIREMENTS | DATE OF RECEIPT OF ALL 35 U.S.C. 371<br>REQUIREMENTS |

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/18/2002
- Copy of the International Search Report filed on 01/18/2002
- Copy of IPE Report filed on 01/18/2002
- Preliminary Amendments filed on 01/18/2002
- Information Disclosure Statements filed on 01/18/2002
- Biochemical Sequence Diskette filed on 01/18/2002
- Oath or Declaration filed on 01/18/2002
- Biochemical Sequence Listing filed on 01/18/2002
- Small Entity Statement filed on 01/18/2002
- Copy of references cited in ISR filed on 01/18/2002
- U.S. Basic National Fees filed on 01/18/2002

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

FRANCINE YOUNG  
Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

9250-37

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/868,553

INTERNATIONAL APPLICATION NO.

PCT/EP99/10179

INTERNATIONAL FILING DATE

December 16, 1999

PRIORITY DATE CLAIMED

December 18, 1998

TITLE OF INVENTION

HEPATITIS Y VIRUS

APPLICANT(S) FOR DO/EO/US

Sing Hiem Yap; Chris Julien Cornelius Verslype; Pieter Jacob Boender; Jan Albert Hellings

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Statement in Support of Filing A Sequence Listing; Paper copy of Sequence Listing; Computer Readable Copy of Sequence Listing

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MAY 12 2003

OFFICE OF PETITIONS



|  |  |  |  |  |  |
|--|--|--|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.50)<br><b>09/868,553</b> |  | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP99/10179</b> |  | ATTORNEY'S DOCKET NUMBER<br><b>9250-37</b> |  |
|--|--|--|--|--|--|

|   |              |              |                  |                          |    |                     |  |
|---|--------------|--------------|------------------|--------------------------|----|---------------------|--|
| 17. <input type="checkbox"/> The following fees are submitted:<br><b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b><br>Search Report has been prepared by the EPO or JPO ..... <b>\$840.00</b><br><br>International preliminary examination fee paid to USPTO<br>(37 CFR 1.482) ..... <b>\$670.00</b><br><br>No international preliminary examination fee paid to USPTO<br>(37 CFR 1.482) but international search fee paid to USPTO<br>(37 CFR 1.445(a)(2)) ..... <b>\$690.00</b><br><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to<br>USPTO ..... <b>\$970.00</b><br><br>International preliminary examination fee paid to USPTO<br>(37 CFR 1.482) and all claims satisfied provisions of PCT<br>Article 33(1)-(4) ..... <b>\$96.00</b><br><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |              |                  | <b>CALCULATIONS</b>      |    | <b>PTO USE ONLY</b> |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20<br><input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |              |                  | <b>\$130.00</b>          |    |                     |  |
| Claims  | Number Filed | Number Extra | Rate             |                          |    |                     |  |
| Total Claims  | -20 =        | 0            | <b>X \$18.00</b> | \$                       |    |                     |  |
| Independent Claims  | -3 =         | 0            | <b>X \$78.00</b> | \$                       |    |                     |  |
| Multiple dependent claim(s) (if applicable)   |              |              |                  | + \$260.00               | \$ |                     |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |              |                  | <b>\$130.00</b>          |    |                     |  |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity<br>statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).   |              |              |                  | \$                       |    |                     |  |
| <b>SUBTOTAL =</b>   |              |              |                  | <b>\$130.00</b>          |    |                     |  |
| Processing fee of \$130.00 for furnishing the English translation later than<br><input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |              |                  | \$                       |    |                     |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |              |                  | <b>\$130.00</b>          |    |                     |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must<br>be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per<br>property +  |              |              |                  | <b>\$40.00</b>           |    |                     |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |              |                  | <b>\$170.00</b>          |    |                     |  |
|   |              |              |                  | Amount to be<br>refunded | \$ |                     |  |
|   |              |              |                  | charged                  | \$ |                     |  |

a. ☒ A check in the amount of \$170.00 to cover the above fees is enclosed.

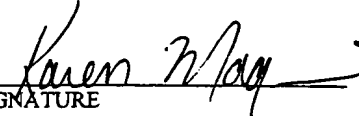
b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0220.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

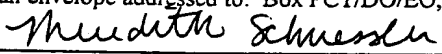
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627

  
 SIGNATURE  
 Karen A. Magri

41,965  
 REGISTRATION NUMBER

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PCT/DO/EO, Commissioner for Patents, Washington, DC 20231 on November 7, 2001.

  
 Meredith Schuessler; Date: November 7, 2001

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**MAY 12 2003**

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